

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PAWS UP RANCH, LLC; PAWS UP  
FOUNDATION; PAWS UP LAND COMPANY,  
LLC,

Plaintiffs,

vs.

CHRISTOPHER GREEN; LAWTON HALL;  
ALTUM DEVELOPMENT GROUP, LLC;  
ALTUM DEVELOPMENT GROUP, LP;  
GREENHALL CAPITAL, LLC; RIVERSIDE  
PREMIER DEVELOPMENT, LLC; LION  
SHARE CAPITOL, LLC; HAYMAN PRIVATE  
EQUITY, LLC; MASTER VISION GROUP  
USA, INC.; SOVREN MANAGEMENT, LLC;  
MOUNTAIN ATLANTIC LENDING, LLC;  
COHEN COMMERCIAL EQUITY, LLC;  
EQUITY FINANCIAL, LLC; WORLDWIDE  
INVESTMENTS, LLC; METROPOLITAN  
BANCORP, LTD.; MKS, LLC; and DOES 1  
THROUGH 20; and ROE CORPORATIONS 1  
THROUGH 20,

Defendants.

Case No.: 2:12-cv-01547-GMN-NJK

**ORDER**

Pending before the Court is the Motion for Determination of Good Faith Settlement (ECF No. 347) filed by Defendant Lawton Hall (“Hall”) and the Motion for Determination of Good Faith Settlement (ECF No. 348) filed by Defendant Christopher Green (“Green”). Additionally, Plaintiffs Paws Up Ranch, LLC, d/b/a/ The Resort at Paws Up, Paws Up Foundation, and Paws Up Land Company, LLC (collectively, “Plaintiffs”) filed joinders to both motions (ECF Nos. 349–50). No oppositions to either of the instant motions have been filed and the time to do so has passed.

1 This case arises out of an alleged fraudulent scheme whereby “Defendants...fraudulently  
2 promised to procure Plaintiffs private loans for their business operations in exchange for  
3 Plaintiffs’ payment of substantial retainer and other fees.” (SAC ¶ 50, ECF No. 227). The  
4 overall thrust of Plaintiffs’ claims is that the Defendants breached their contracts and  
5 committed fraud by accepting upfront payments without any intention of ever performing under  
6 the contracts. (*Id.* ¶¶ 51–134).

7 Under Nevada law, the determination of whether a settlement is in “good faith” under  
8 NRS § 17.245 is “left to the discretion of the trial court based upon all relevant facts available.”  
9 *Velsicol Chemical Corp. v. Davidson*, 811 P.2d 561, 563 (Nev. 1991). The factors discussed in  
10 *In re MGM Grant Hotel Fire Litig.*, 570 F. Supp. 913, 927 (D. Nev. 1983), may be among the  
11 relevant facts a court may choose to consider in the exercise of its “considerable discretion.”  
12 *The Doctors Co. v. Vincent*, 98 P.3d 681, 686–87 (Nev. 2004). Such factors include “the  
13 amount paid in settlement, the allocation of the settlement proceeds among plaintiffs, the  
14 insurance policy limits of settling defendants, the financial condition of settling defendants, and  
15 the existence of collusion, fraud or tortious conduct aimed to injure the interests of non-settling  
16 defendants.” *In re MGM*, 570 F. Supp. at 927 (citing *Commercial Union Ins. Co. v. Ford Motor*  
17 *Co.*, 640 F.2d 210 (9th Cir. 1981)). However, Nevada law includes no requirement that a court  
18 consider or limit its analysis to the *MGM* factors or hold a hearing before making a  
19 determination of good faith. *Velsicol*, 811 P.2d at 563 (expressly declining to adopt the  
20 “California rule,” contrary to the court’s assumption in *MGM* ).

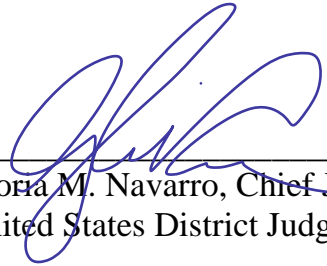
21 Having considered the pertinent factors, the arguments presented in the instant motions,  
22 and the lack of any opposition by any potentially affected parties, the Court finds that the  
23 settlements between Plaintiffs and Defendants Hall and Green were made in good faith for  
24 purposes of NRS § 17.245. *See also* LR 7–2(d) (“The failure of an opposing party to file points  
25

1 and authorities in response to any motion shall constitute a consent to the granting of the  
2 motion.”).

3 **IT IS HEREBY ORDERED** that the Motion for Determination of Good Faith  
4 Settlement (ECF No. 347) filed by Defendant Lawton Hall is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the Motion for Determination of Good Faith  
6 Settlement (ECF No. 348) filed by Defendant Christopher Green is **GRANTED**.

7 **DATED** this 24 day of August, 2016.

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Gloria M. Navarro, Chief Judge  
United States District Judge